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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,663	10/20/2000	Jonathan J. King	STE01 P-1069	7520

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EXAMINER
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AMIRI, NAHID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/692,663	KING ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nahid Amiri	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 11-24, and 27-33 is/are allowed.
- 6) ☒ Claim(s) 7-9, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Response to Amendment**

In view of Applicant's Amendment received 11 April 2005, amendments to the claims have been entered. Claims 1-33 are pending.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 25, lines 7-8, it is confusing and unclear what applicant meant by having the phrase "said free end portions inwardly towards one another and into selected ones of said opening on side opposite side faces".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,349,516 B1 Powell et al. in view of US Patent No. 5,487,246 Hodges et al.**

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With respect to claims 7, 8, and 9, Powell et al. disclose a partition (Figs. 2, 3) including at least two side by side partition frames (21) having a horizontally extending upper frame member (36) defining upper edge of the partition frame (21), each the partition frame further including a pair of horizontally spaced apart vertical frame members (23), each having an upper end thereof secured to the upper frame member (36), the partition frame (21) having a lower portion (25) configured to abuttingly support the partition frame (12) freestanding on a floor surface; at least two horizontally extending raceway (123) defining an elongated passageway configured to retain utility lines in a horizontally extending manner, the raceway (123) having an elongated upper opening along a top side of the raceway (123) providing access to the elongated passageway and permitting lay-in of utility lines into the passageway; and (Figs. 3, 4) at least two vertically extending support members (24) each including a connectors (34) connected to the partition frame (21), the support members (24) supporting the raceway (123) vertically spaced above the upper frame member (36); further having third and fourth vertically extending support member (24) connected to the partition system and supporting the raceways (123) vertically spaced above the upper frame members (36); and wherein the raceways (123) includes opposite side walls and a bottom wall defining a U-shaped cross section, and wherein the side walls are integrally formed with bottom wall. Powell et al. do not disclose that the elongated passageway of the raceways is aligned with one another and form a substantially continuous unobstructed horizontal passageway above and between the partition frames. Hodges et al. teach a partition system (1, Fig. 1, column 4, lines 41-45) having at least two horizontally raceways (8A), each defining an elongated passageway extending between opposite ends of the raceway (8) to retain utility lines in a horizontally extending manner; wherein the elongated passageways of the raceways are aligned with one another and form a substantially continuous unobstructed horizontal passageway above and between the partition frames. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the partition system of Powell et al. with a continuous raceway as taught by Hodges et al. in order to interconnect the adjacent utility panels in a side-by-side relationship which various utilities can be carried in continuous manner.

**Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. Des. 293,205 Nakano in view of US Patent No. 6,817,147 B1 MacDonald.**

With respect to claims 25-26, Nakano discloses a clip for retaining utility line (Fig. 1) including a pair of extensions that are joined together at base end portions of the extensions, the extensions extending away from the base end portions in a cantilevered manner, the extensions defining free end portions opposite the base end portions the free end portions inwardly towards one another and into selected ones of the openings on the opposite side faces; a pair of flexible legs that joined together at end portions of the flexible legs, wherein the base end portions of the flexible legs are joined to the base end portions of the extensions the flexible legs extending away from the base end portions of the flexible legs in cantilever manner; the legs having free end portions positioned adjacent one another. Nakano does not disclose having a vertical frame member includes opposite side faces, each side face including a vertical row of openings; and the vertical row of opening outwardly. MacDonald teaches (Fig. 2) a vertical member (3) includes opposite side faces (5), each side face (5) has a plurality of opening (18); and wherein the vertical row of opening (18) opening outwardly. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clip of Nakano with a vertical member as taught by MacDonald in order to secure the clip into the opening of the vertical member for holding the electric wire.

***Allowable Subject Matter***

Claims 1-6, 11-24, and 27-33 stand allowed.

Claim 10 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 7-9 have been considered but are moot in view of the new ground(s) of rejection.

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Applicant's arguments, filed 11 April, with respect to claims 25 and 26 have been fully considered and are persuasive. The rejection of claim 25 and 26 has been withdrawn.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, e.g. claim 7, lines 13-17, the limitation of **“wherein the elongated passageways of the race ways are aligned with one another and from a substantially continuous unobstructed horizontal passageway above and between the partition frames”**, was not claimed in original claimed invention. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*new*  
Nahid Amiri  
Examiner  
Art Unit 3679  
June 22, 2006



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